

REMARKS

STATUS OF THE CLAIMS

Claims 35-53 are pending in the application. Applicants herein withdraw claims 35-47 from current consideration.

ELECTION/RESTRICTION

In the Office Communication dated September 23, 2003, the claims were restricted under 35 U.S.C. § 121. Applicants were required to elect one of the following species claim groups for prosecution in the present application:

1. Claims 35-47, method for producing a chimeric negative strand RNA virus (and virus produced).
2. Claims 48-53, method for producing a non-chimeric negative strand RNA virus (and virus produced).

Office Communication, at page 2.

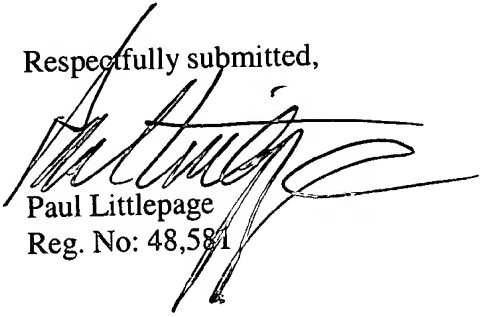
Applicants herein elect Claim Group 2 (claims 48-53) without traverse. Claims 35-47 (Group 1) are, thus, withdrawn pursuant to the Office Communication. Applicants note, however, that claims 48-53 actually present methods for "producing a negative strand RNA virus," rather than methods for "producing a non-chimeric negative strand RNA virus."

In view of the foregoing, Applicants believe all non-withdrawn claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event that any issues of substance are perceived to remain, Applicants request that the Examiner contact the undersigned at 510-769-3507 to arrange for a telephonic interview, prior to preparation of any additional Office Action.

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Respectfully submitted,


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Appl. No. 09/396,539
Response Dated October 7, 2003
Reply to Office Communication of **September 23, 2003**

Attachments:

- 1) A transmittal sheet; and,
- 2) A receipt indication postcard.